IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8355 of 2005

Between:

D. Sagonda, S/o. Narsagonda,
Zaheerabad Depot, Medak District.

..... PETITIONER

AND

1 APSRTC, rep. by its Vice Chairman & M.D., APSRTC, Musheerabad.
2 The Depot Manager, APSRTC, Zaheerabad Depot, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in recovering the value of the loss of tickets of Rs.9,000/- from the salary of the petitioner as arbitrary and illegal and consequently direct the respondents to reimburse that amount with 10% of interest.

Counsel for the Petitioner: MR.B.H.R.CHOWDARY, Advocate

Counsel for the Respondent: MR.V.T.M.PRASAD (S.C. for APSRTC)

The Court, at the stage of admission, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in recovering the value of the loss of tickets of Rs.9,000/- from the petitioner's salary as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents and perused the material on record.

From the proceedings, dated 13.12.1999, the petitioner was responsible for loss of ticket blocks from his tray box worth of Rs.6,520/- on 24.11.1999 while performing his regular duty. Therefore, he was called upon to give an explanation, for which, the petitioner gave his explanation. As the explanation was not satisfactory, impugned proceedings have been passed directing recovery of total value of the tickets. Hence, this writ petition has been filed.

As per Regulation 8(v) of C.C.A. Regulations, 1967, the respondent-Corporation can recover from pay the whole or part of any pecuniary

loss caused to the Corporation by an employee's negligence or breach of orders. Therefore, in no case, an amount more than the amount, which was lost by the Corporation can be recovered from the negligent official. As per clause 40.07 of the Operation Manual, the cost of the paper and printing charges are liable to be recovered from the default employee. In similar circumstances, this Court, in the decision reported in the case of ***Ch. P.Reddy Vs. APSRTC, Hyderabad*** held as follows:

> *"If the Corporation faces a pecuniary loss by an employees' negligence, the amount lost by the Corporation can be recovered wholly or partly."*

Following the above referred judgment, this writ petition is allowed and the impugned order is quashed, but at the same time, it is directed that if any amount has been recovered from the petitioner, the respondents shall retain the amount which actually they lost because of the negligence of the petitioner and the respondents can also withhold the amounts towards the value of the printing, cost of the tray and stationary, and the balance shall be paid back to the petitioner. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

15th April, 2005

bcj

To

1 The Vice Chairman & M.D., APSRTC, Musheerabad.
2 The Depot Manager, APSRTC, Zaheerabad Depot, Medak District.

3 Two C.D. copies